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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,918	12/22/2000	Gopal Parupudi	MSI-695US	2766

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EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/746,918	<b>Applicant(s)</b> PARUPUDI ET AL.	
	<b>Examiner</b> Duc M. Nguyen	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4-27,29-47,50-52,54 and 56-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4-27,50-52,54 and 56-67 is/are allowed.
- 6) ☒ Claim(s) 29-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is in response to applicant's response filed on 7/22/05. Claims 2, 4-27, 29-47, 50-52, 54, 56-67 are now pending in the present application. **This action is made final.**

#### *Information Disclosure Statement*

1. The references listed in the information disclosure statements submitted on 6/6/05 and some of previously submitted IDSs (unintentional left out) have been considered by the examiner (see attached PTO-1449).

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **36-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kuwahara** (US Patent Number **6,389,288**).

Regarding claims **36, 41**, **Kuwahara** discloses a mobile terminal (cellular phone) capable of executing location-related services such as phone settings, call settings (Figs. 1, 13, 21, and col. 7, line 52 - col. 8, line 52), which would include all the claimed limitations, comprising

defining one or more class types (see **Fig. 21** regarding Office, meeting room, home) each of which can be associated with a location (Zones) for which a particular cellular phone behavior is desired (execution service) ; and

associating attributes (execution service) with the one or more class types (Office, meeting room, home), the attributes defining cellular phone behavior.

Here, regarding the newly added limitation of “each class type defines a high level of abstraction of one or more different physical or logical location”, it is noted that the specification fails to define “the high level of abstraction” for class types. Therefore, with the broadest reasonable interpretation, the class types (Office, meeting room, home) in Kuwahara would read on “the high level of abstraction” of one or more physical location as claimed (i.e, Office, meeting room, or home are “geographical abstraction” or “private entity abstraction” of class types derived from (physical) location coordinates). Therefore, the claimed limitations are made obvious by **Kuwahara**.

Regarding claim **42**, it is interpreted and rejected for the same reason as set forth in claim **36** above. In addition, since the reported location information (see Zones 1, 2, 3 in Fig. 14 B) is **pertaining** to the user defined area (see “home” in Fig. 14 B), which is also **pertaining** to the class type (i.e, home or office). Therefore, with the broadest reasonable interpretation, the claimed limitations are made obvious by **Kuwahara** for wirelessly transmitting information (location information) **pertaining** to the class type (i.e, home or office) as claimed.

Regarding claims **38, 40**, they are interpreted and rejected for the same reason as set forth in claim **36** above. In addition, **Kuwahara** discloses the behavior pertains to

ringer mode on/off (see sound or vibration, Figs. 13, 21) and call forwarding behavior (see setting of call destination, col. 9, lines 3-5) as claimed.

Regarding claims **37, 45, Kuwahara** discloses all the claimed limitations, see claim **36** above, except for the phone setting is on/off. However, to turn the phone off when in a restricted area such as hospital is known in the art (Official Notice).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kuwahara** for setting the phone on/off as claimed, for preventing radiation hazardous when in a restricted area such as hospitals.

Regarding claim **39, Kuwahara** discloses all the claimed limitations, see claim **36** above, except for the pitch of a ringer. However, since setting the pitches of phone ringer for different locations is known in the art (Official Notice), it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kuwahara** for setting the pitches of a ringer at different locations as claimed, for audibly alerting a user of an incoming call at the best performance for each environment within which it is placed.

Regarding claims **43-44**, they are interpreted and rejected for the same reason as set forth in claim **42** above. In addition, **Kuwahara** discloses providing a transmitter (base station) at the location and the behavior is defined by the phone setting as claimed (see Figs. 14A and 21).

Regarding claims **46-47**, they are rejected for the same reason as set forth in claim **42** above. In addition, **Kuwahara** discloses ringer mode on/off (sound or vibration) and call forwarding as claimed (see Fig. 13, 21 and col. 9, lines 3-5).

4. Claims **29-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kuwahara** in view of **Alperovich et al** (US Patent Number **6,233,448**).

Regarding claims **29, 31, Kuwahara** discloses all the claimed limitations, see claim **36** above, except for at least one behavior is defined by a third party. However, in an analogous art, **Alperovich** discloses a method and apparatus for automatic activating/deactivating features (read on modify phone behaviors/settings) based on the position of a mobile station (see Abstract), wherein **Alperovich** suggests at least one behavior (i.e, call forwarding) is defined by the network (see **col. 5, lines 21-37**), for activating a feature in accordance with the subscriber plan (i.e, whether the subscriber has agreed to pay for long distances or roaming fees when outside the home area). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further incorporate the above teaching of **Alperovich** to **Kuwahara** for defining at least one behavior of the cellular phone by a third party (or network) as claimed, in order to enforce, control and activate a feature in accordance with the subscriber plan.

Regarding claim **30**, it is rejected for the same reason as set forth in claim **29** above. In addition, it is clear that the transmitted location information is **pertaining** to the cellular phone setting as claimed.

Regarding claim **31**, it is interpreted and rejected for the same reason as set forth in claim **29** above. In addition, **Kuwahara** discloses providing a transmitter (base

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stations) at the location and the behavior is defined by the phone setting as claimed (see Figs. 14A and 21).

Regarding claim **32**, it is rejected for the same reason as set forth in claim **31** above. Although **Kuwahara** fails to disclose the phone setting of on/off, it is noted that to turn the phone off when in a restricted area such as hospital is known in the art (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kuwahara** for setting the phone on/off as claimed, for preventing radiation hazardous when in a restricted area such as hospitals.

Regarding claims **33**, **35**, they are rejected for the same reason as set forth in claim **31** above. In addition, **Kuwahara** discloses ringer mode on/off (sound or vibration) and call forwarding as claimed (see Fig. 13, 21 and col. 9, lines 3-5).

Regarding claim **34**, **Kuwahara** discloses all the claimed limitations, see claim **31** above, except for the pitch of a ringer. However, since setting the pitches of phone ringer for different locations is known in the art (Official Notice), it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kuwahara** for setting the pitches of a ringer at different locations as claimed, for audibly alerting a user of an incoming call at the best performance for each environment within which it is placed.

#### ***Allowable Subject Matter***

5. Claims 2, 4-27, 50-52, 54, 56-67 are allowed.

#### ***Response to Arguments***

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6. Applicant's arguments filed 7/22/05 regarding claims 29-47 have been fully considered but they are not persuasive.

With respect to claims 29, 31, 36, 41, 42, Applicant argues that Kuwahara fails to teach or suggest each class type defines a high level of abstraction of one or more different physical or logical location for which a particular cellular phone behavior is desired. However, it is noted that the specification fails to define "the high level of abstraction" for class types. Therefore, with the broadest reasonable interpretation, the class types (i.e., Office, meeting room, home) in Kuwahara would read on "the high level of abstraction" of one or more physical or logical location as claimed (i.e., Office, meeting room, or home are "geographical abstraction" or "private entity abstraction" of class types derived from (physical) location coordinates).

For foregoing reasons, the examiner believes that the pending claims are not allowable over the cited prior art.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Algridge** (US 6,470,354), Implementing persistent object services (POS) on top of a relational data base.

9. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893, Monday-Thursday (9:00 AM - 5:00 PM).

Or to Edward Urban (Supervisor) whose telephone number is (571) 272-7899.

Duc M. Nguyen

Oct 13, 2005

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal flourish extending to the right.